

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* CARL LEHRKIND
2066 STADIUM DRIVE UNIT 202
BOZEMAN, MT 59715
2. *Type of action:* APPLICATION FOR CHANGE AUTHORIZATION # 30027289-41H
3. *Water source name:* West Gallatin River
4. *Location affected by action.* The location affected will include the area from the headgate of the Lower Middle Creek Supply Ditch to the confluence of the Gallatin River.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

This application is for a mitigation plan and is associated to 30001469-41H. This application is to change water right # 41H-7061 to take out a portion of irrigation from the right and to identify it as mitigation and leave it in the waterway to protect any potential depleted area.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Department of Environmental Quality
Montana State Historic Preservation Office
Montana Natural Resource Information System
Gallatin Local Water Quality District
Gallatin County Planning Office
Montana Department of Fish, Wildlife and Parks

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The West Gallatin does become periodically dewatered. However, this project is to reintroduce water that was once diverted for irrigation and abstain from that practice of consumptive use.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: This project is for the elimination of irrigation from water right # 41H-7061. Water quality has not been addressed as an issue.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: This project isn't for groundwater. However, the project's intent is to augment/ mitigate water taken out from wells from the Valley Grove Subdivision by leaving a portion of a water right in the channel to assist with groundwater recharge with surface flows.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The historic water right diversion is from the West Gallatin River and the head gate is located on the Lower Middle Creek diversion on the river.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: NO THREATENED OR ENDANGERED PLANTS OR ANIMALS ARE LOCATED ON THIS SITE, ACCORDING TO THE MONTANA NATURAL HERITAGE PROGRAM.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: NO WETLANDS ARE EXPECTED TO BE ADVERSLY AFFECTED IN THE AREA OF STUDY. THE SUBDIVISION HAS BEEN DEVELOPED.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: NO PONDS HAVE BEEN LOCATED IN THE AREA OF STUDY.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: NO SALINE SEEPS WERE IDENTIFIED AT THE SITE. THE WELL IS COMPLETED IN GRAVELS.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination :There should not be the spread of weeds, this project will not disturb any soil.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: NO IMPACTS IDENTIFIED. AIR QUALITY SHOULD NOT BE THREATENED BY THIS PROJECT.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: NO RECORDS INDICATE PREVIOUSLY RECORDED CULTURAL PROPERTIES WITHIN THE PROJECT SITE. THE STATE OF MONTANA HISTORIC SOCIETY HAS BEEN CONTACTED.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: NO IMPACTS IDENTIFIED. IT IS POSSIBLE THAT IF MORE WATER IS LEFT IN THE SURFACE SOURCE, MORE WATER IS AVAILABLE TO PRODUCE ELECTRICITY ALONG THE MISSOURI RIVER.

| |
|--------------------------|
| HUMAN ENVIRONMENT |
|--------------------------|

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: NOT INCONSISTENT WITH ADOPTED PLANS OR GOALS.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: NO IMPACTS IDENTIFIED.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: NO IMPACTS IDENTIFIED

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: N/A

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? NO IMPACTS IDENTIFIED
 - (b) Local and state tax base and tax revenues. NO IMPACTS IDENTIFIED
 - (c) Existing land uses? NO IMPACTS IDENTIFIED
 - (d) Quantity and distribution of employment? NO IMPACTS IDENTIFIED
 - (e) Distribution and density of population and housing? NO IMPACTS IDENTIFIED
 - (f) Demands for government services? NO IMPACTS IDENTIFIED
 - (g) Industrial and commercial activity? NO IMPACTS IDENTIFIED
 - (h) Utilities? NO IMPACTS IDENTIFIED
 - (i) (i) Transportation? NO IMPACTS IDENTIFIED
 - (j) Safety NO IMPACTS IDENTIFIED
 - (k) Other appropriate social and economic circumstances? NO IMPACTS IDENTIFIED
2. ***Secondary and cumulative impacts on the physical environment and human population:*** NO SECONDARY OR CUMULATIVE IMPACTS HAVE BEEN IDENTIFIED.
3. ***Describe any mitigation/stipulation measures:*** THIS IS A PROPOSED MITIGATION PROGRAM ASSOCIATED TO WATER RIGHT # 30001469-41H.
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** NO ALTERNATIVES ARE PLANNED AT THIS TIME.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? NO

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:
AN EA IS APPROPRIATE FOR THIS PROJECT

Name of person(s) responsible for preparation of EA:

Name: Porter Dassenko

Title: WATER RESOURCE SPECIALIST

Date: 5/13/2007